

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

CORY A. SIMPSON,

Plaintiff

v.

Civil No. 2:10-00953  
(Lead action)

OFFICER TONEY,

Defendant

CORY ANTHONY SIMPSON,

Plaintiff

v.

Civil No. 2:10-00958  
(Consolidated action)

MICHAEL D. MULLINS,

Defendant

CORY SIMPSON,

Plaintiff

v.

Civil No. 2:10-01044  
(Consolidated action)

PROSECUTOR MARK PLANTS,

Defendant

MEMORANDUM OPINION AND ORDER

These consolidated actions were previously referred to  
Mary E. Stanley, United States Magistrate Judge, who has

submitted her Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the PF&R entered by the magistrate judge on January 4, 2011. The magistrate judge recommends that each of the above-referenced civil actions be dismissed for failure to pay the filing fee, in full, as ordered in the court's Memorandum Opinion and Order dated November 19, 2010. In light of the recommended dismissal of each of these civil actions, the magistrate judge further recommends that plaintiff's Letter-form Motion for Copies of Incident Reports and Documents, pending in Case No. 2:10-cv-00953, and plaintiff's Letter-form Motion for Appointment of Counsel, pending in Case No. 2:10-cv-00958, be denied as moot. The plaintiff has not objected to the PF&R. Following a de novo review, the court concludes that the recommended disposition is correct.

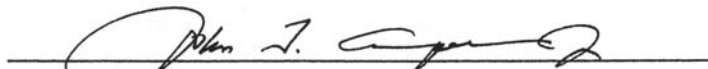
Based upon the foregoing discussion, it is, accordingly, ORDERED as follows:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That plaintiff's Letter-form Motion for Copies of Incident Reports and Documents, pending in Case No. 2:10-cv-00953, be, and it hereby is, denied as moot;

3. That plaintiff's Letter-form Motion for Appointment of Counsel, pending in Case No. 2:10-cv-00958, be, and it hereby is, denied as moot; and
4. That these actions be, and they hereby are, dismissed without prejudice.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and any unrepresented parties.

DATED: January 24, 2011

  
John T. Copenhaver, Jr.  
United States District Judge